

April 2:2-4

US District Court
Southern District of GA

Tipton Sholes M.D

v.

Medical college of Georgia, Medical College of Georgia - Anesthesia residency program/associates-- Augusta University/board of regents/ University system of Georgia-- Augusta University Health.

*This is pro se, I am not qualified to represent myself in this case. I have made many calls/attempts to secure legal representation and have met conflict of interest or other reason for being unable to secure representation. Pro se, I file.

* I am requesting assistance on this matter if possible. I have attached note with the details of lawyers contacted/ arrival to here- in packet.

Claim

Events between Jan 2016 through October 31st 2018 lead me to bring forth multiple causes of action. These fall under Civil, Tort, and contract/employment law.

Complaint for

- 1. Title 7/ADA → employment discrimination- harassment, retaliation-, *see page #4 Complaint form,*
- 2. complaint for civil case - breach of duty- specifically negligence,
- 3. complaint for civil case defamation- libel,
- 4. Complaint for civil case alleging breach of contract.

Events occurred at regular intervals between April 2016, Start of employment July 2016 through termination of contract July 2018.

Contract
signed
March
26/15

Pending reasonable resolution of this, I am not filing criminal charges.

Events occurred at regular intervals between April 2016, Start of employment July 2016 through termination of contract July 2018.

This a fact

It started early, it continued through progressive evolution of

- 1. unknown reason for discrimination, continued to**
- 2. ->anchor on disclosed issue in Nov 2016 leading to harassment and retaliation in relation to this,**
- 3. ->it progressed to anchor around diagnosis of medical condition in April 2017.**
- 4. If they respond or deny allegations I will bring out details as necessary.**

A few examples,

- Multiple people, informed me I had been labeled and this would make it very difficult for me, this in July 2016. I can provide contacts- if needed.
- Meeting July 29th first meeting of regularly scheduled meetings discussing potential termination for _____ being on a cell phone. I can provide article from medical journal discussing common practice to use cell phones in operating room as anesthesia providers-- available if needed. I was the only one to be called to meeting for this.
- Test not legitimate. Legitimate defined as, not standardized- available to provide if interested. Anesthesia knowledge test- July 1 and July 31 2016. January 2017.
- Call policy-- Every other holiday, If on one holiday-- Off the next. Official holidays defined by Augusta university policy--- standard holidays in the united states workforce. I was on call every holiday through April 2017. I was the only resident with this schedule.
- Arrived at 7 a.m. on Nov 22nd-- Received email Dec 19th I would be required to make up call due to this, on December 23rd. I had requested this off, multiple times for family, Christmas, my wife's birthday Dec 26th- important this period. In addition I was scheduled to take The United States Medical Licensing exam part 3 of 3 on this week. I was the late resident, scheduled work through evening hours week leading into. It was reasonable to request, it was not reasonable to be scheduled on Dec 19th for December 23rd to make up 20 minutes, 24hrs and " late on a holiday then repay with holiday policy." I was the only resident to have this policy.
- Placed on call before every exam July 2016 through April 2017. I was the only resident with this.

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notes

(b) Construction

As used in subsection (a), the term "discriminate against a qualified individual on the basis of disability" includes—

(1) limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;

(2) participating in a contractual or other arrangement or relationship that has the effect of subjecting a covered entity's qualified applicant or employee with a disability to the discrimination prohibited by this subchapter (such relationship includes a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to an employee of the covered entity, or an organization providing training and apprenticeship programs);

(3) utilizing standards, criteria, or methods of administration—

(A) **that have the effect of discrimination on the basis of disability; or**

(B) **that perpetuate the discrimination of others who are subject to common administrative control;**

all apply

(4) excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association;

(5)(A) not making reasonable accommodations (redundant request for me to declare one, though clear I do not need accomadation I need to be evaluated fairly, and it on file, on the schedule, etc. list is long of stuff)

to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity; or

(B) denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need of such covered entity to make reasonable accommodation to the physical or mental impairments of the employee or applicant;

(6) using qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity; and

(7) failing to select and administer tests concerning employment in the most effective manner to ensure that, when such test is administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, such test results accurately reflect the skills, aptitude, or whatever other factor of such applicant or employee that such test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of such employee or applicant (except where such skills are the factors that the test purports to measure).

- I am requesting assistance to obtain legal representation

Thoughts as it relates to damage/ relief below.

General-- I cannot quantify, I request assistance on this. I would trade about anything to go back to March 2015 and re-route. I include an expanded version discussing all the below. I am blessed to be here today. Though, This has been very real. I have suffered damages. I began pursuing this career many years before here-- This has been in jeopardy under fear of being terminated for things like frivolous- (event-less) -- anonymous or untraceable, vague charges- of inadequate professional character or lack of minimum innate ability to rise to level of peers.

I have included a supplement of Medical school summary, and resume. I have many years demonstrating a hardworking, caring, professional-- this is important to me. I think anyone would understand. Professional reputation is important, as is the ability to bring home discussion not related to this stuff for years. I would do everything the same, the only way to have avoided this would be to have resigned-- had I known it was impossible to pass through, over, or around.

This drains life under threat, the stress to family at home is very real daily. Being dismissed from residency for professional character -- that is career ending. It would be career ending in college, it would be terminal on medical school transcripts, and it would be the last training year. I still have never seen my residency file, I became aware they had one in April 2018.

1) General damage-

- Emotional pain/ emotional distress-
- Damaged reputation
- Loss of life enjoyment-- this has consumed life.
- Divorced Jun 2018-- Marriage directly impacted under this.
- Loss of consortium/ damages suffered by spouse.

It has been real, to here. I have not had job security, and residency is one of the most competitive trades. In March 2018 in attempt to mitigate career ending through entering annual match-- I received no calls. One program that was interested, pulled offer after realizing I had used up 3 of my 5 reimbursed years in training. (eligibility-- through medicare funding.) In effect my real change in value- is what it is. March 2015 I received calls from 20+ programs in 48 hrs. I turned down opportunity to continue in surgery with accepting match in anesthesia. I attempted to match within Medical College of Georgia through transfer to internal medicine, I was not considered-- for any positions. I am well qualified, if I had not had these years- I would be extremely competitive. I worked and lost value, time, life. None of this was by choice, I can provide letter discussing terms of applying out. One additional note. When I asked program director for a letter of recommendation, she told me to ask Dr. McCall-- My doctor-- the chairman of another program. This was in response to not fielding calls as promised in Feb 2018 after news of non-renewal. It was hard to appreciate, how this was real.

2)
Expectation damages- a few thoughts

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> Diminution in value coupled with consequential and incidental damages.

In relevance to Consequential damages- I applied to participate in National registered match for a position both August 2017 and again March 2018. Both of these were in response to sudden and unexpected- decisions to not allow me to continue in training.

Foreseeable loss test, yes. It is equal in value to if they lost their license to practice medicine.

The absolute value is

-- Lost access to medical residency with no credit for 2 years.

-- Diminution in value. average anesthesia salary is 400k a year. \times *AVG AGE Retire at 65-70*

-- Loans through medical school -- Private debt of 200k

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Match agreement to advanced position in Anesthesia residency-- terms are to provide training leading to graduation in July 2019 in anesthesia.

Expectation damages

(Promised - actual) + (consequential + incidental)

Promised = Intact program, with progression annually to exit July 2019 to practice as provider.

-- Given == 2016==24k

2017== 32k

2018==32k

Credits for training- 0

Diminution in value

Between 350k -- Locum tenens, possibly -- 120k annually, on call to positions as they open around southeast. Filling in for providers in various fields. Surgical anesthesia is what I have done for 3 years, these positions are not accessible.

Reasonable, assesment= factoring in theoretical work in not my trade.

230k loss per year. That is a very reasonable, modest assessment of consequential/expectation damage through breach.

3) Debt today

200k private loans for medical school

Sold life insurance to buffer through this life challenge. september 2018

220k -- cased for 40k, lost 180k. This was necessary, that is real money for my family-

Family? Unable to plan for things like children, when life is under what I equate to tornado warning. hypothetical equivalant scenario= frivolous, anonymous claims, -> named as defendant in a malpractice case-- I think that any physcian resident can appreciate what it might be like to have everything at stake -- named Professional charges of remediation discussing termination -> whether malpractice for physicians or termination of residency through charges of ___, These effectively threaten life. Can end ones career, lead to loss of assets, its very real to go through this for a long time. Fear becomes real, physicians both attending and resident can relate how this would consume life. Living with real, fear of losing their career is- in real jeopardy.

Money was never the goal, taking care of myself and my family was intimately linked in why this was necessary to endure without working hard to overcome in *through to 2.13.2019* any and all reasonable means through to today.

This has been real in its effect.

- Please call with any questions, or any *(REQUEST for* additional support/info moving forward.

I appreciate your time

Thank you

Tipton Sholes

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